

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: **Greg Edward Donovan,** : Chapter 7 Bankruptcy
:
Debtor : No. **21-13406 (MDC)**

Centric Bank, : Adversary No: **22-00044 (MDC)**
:
Plaintiff/Creditors :
:
vs. :
:
Greg Edward Donovan, :
:
Debtor/Respondent :

**DEBTOR/RESPONDENT, GREG EDWARD DONOVAN'S,
SUPPLEMENTAL BRIEF TO MOTION FOR SUMMARY JUDGMENT**

I. **QUESTION PRESENTED:** Whether Plaintiff, Centric Bank's, adversary action is barred by Federal Rule of Bankruptcy Procedure 4004(a)?

SUGGESTED ANSWER: Yes

II. **FACTS/PROCEDURAL HISTORY**

Debtor/Respondent filed a Chapter 7 Petition Bankruptcy in the Eastern District of Pennsylvania on December 29, 2021. The Clerk of Court issued a Notice of Chapter 7 Bankruptcy Case (Official Form 309A) on December 30, 2021 to all creditors including the Plaintiff, Centric Bank. The notice set the date for the Meeting of Creditors for February 10, 2022. The notice also set the deadline for all parties of interest and/or creditors to file an

objection to discharge or challenge the dischargeability of certain debts for April 11, 2022. See attached Exhibit “A”.

The Clerk of Court filed on January 1, 2022 a Certificate of Notice regarding service of the Notice of Chapter 7 Bankruptcy Case to all parties of interest and/or creditors including the Plaintiff, Centric Bank. See attached Exhibit “B”.

On February 22, 2022, counsel for Plaintiff, Centric Bank, Phillip D. Berger, Esquire filed an Entry of Appearance and Request for Notice on behalf of the Defendant. See attached Exhibit “C”.

The Chapter 7 Trustee, Christine C. Shubert filed a Notice to Change from No-Asset to Asset case on March 18, 2022. She conducted the debtor’s §341 Meeting of Creditors on March 21, 2022. Plaintiff, Centric Bank, never attended the §341 Meeting of Creditors on this date. The Trustee continued the meeting to April 1, 2022 as she was going to explore with the Plaintiff a potential “carve-out”. The Trustee then concluded the §341 Meeting of Creditors on April 1, 2022. The Court issued an Order discharging the debtor on April 14, 2022. The Chapter 7 Trustee filed a Notice of Change from Asset to No Asset on June 6, 2022.

On May 11, 2022 this instant adversary matter was filed by Plaintiff, Centric Bank, approximately thirty (30) days after the deadline to file an objection to discharge or to challenge the dischargeability of certain debts.

III. LEGAL ARGUMENT

Federal Rules of Bankruptcy Procedure, Rule 4004(a) mandates that in a Chapter 7 case, a motion under § 727(a)(8) or (a)(9) of the Code, objecting to a debtor’s discharge shall be filed no later than sixty (60) days after the first date set for the meeting of creditors under §341(a).

The deadline for Defendant to file their adversary was April 11, 2022 as set forth in the Notice of Chapter 7 Bankruptcy Case issued by the Clerk of Court.

Additionally, Rule 4004(b) mandates that any motion for extension of time of these deadlines shall be filed on or before the deadline has elapsed or a motion to extend time may be filed after the time for objection has expired and before a discharge is granted if based on facts that would provide a basis for revocation under § 727 of the United States Bankruptcy Code or if the movant did not have knowledge of those facts in time to permit an objection.

Plaintiff, Centric Bank, did not file with this Honorable Court any motions to extend the deadlines to object. It is clear from the plain language of FRBP 4004(a) that Plaintiff, Centric Bank's Complaint Objecting to Discharge which was filed on May 11, 2022 is untimely and should be dismissed on that basis alone. There is no provision under the Bankruptcy Code or FRBP that permits the Court to extend these deadlines once elapsed and without an appropriate motion being filed requesting said extension within the deadlines required to do so. In addition, debtor continues to be prejudiced in expending time and money to defend this adversary action even after his discharge.

IV. CONCLUSION

For the reasons stated herein, it is respectfully requested that this Honorable Court enter an Order dismissing Plaintiff's Complaint Objecting to Discharge.

Respectfully Submitted,

LUONGO BELLWOAR LLP

Dated: February 23, 2023

By: /s/ Stanley E. Luongo, Jr.

Stanley E. Luongo, Jr., Esquire
LUONGO BELLWOAR LLP
126 West Miner Street
West Chester, PA 19382
Telephone: (610) 430-6600
Attorney for Debtor/Respondent

EXHIBIT A

Information to identify the case:

Debtor 1: **Greg Edward Donovan**
First Name Middle Name Last Name
Social Security number or ITIN: xxx-xx-8551
EIN: - - - - -
Debtor 2: _____
(Spouse, if filing) First Name Middle Name Last Name
Social Security number or ITIN: - - - - -
EIN: - - - - -
United States Bankruptcy Court: Eastern District of Pennsylvania
Date case filed for chapter: 7 12/29/21
Case number: 21-13406-mdc

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

10/20

****Debtor's Photo ID & Social Security Card Must Be Presented at 341 Hearing****

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Greg Edward Donovan	
2. All other names used in the last 8 years		
3. Address	1421 Ardleigh Circle West Chester, PA 19380	
4. Debtor's attorney Name and address	STANLEY E. LUONGO JR. Luongo Bellwoar LLP 126 West Miner Street West Chester, PA 19382	Contact phone 610-430-6600 Email: stan.luongo@luongobellwoar.com
5. Bankruptcy trustee Name and address	CHRISTINE C. SHUBERT 821 Wesley Avenue Ocean City, NJ 08226	Contact phone (609) 923-7184 Email: christine.shubert@comcast.net

For more information, see page 2 >

Debtor **Greg Edward Donovan**

Case number **21-13406-mdc**

6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at https://pacer.uscourts.gov .	900 Market Street Suite 400 Philadelphia, PA 19107	Hours open: Philadelphia Office -- 8:30 A.M. to 5:00 P.M.; Reading Office -- 8:00 A.M. to 4:30 P.M. Contact phone (215)408-2800 Date: 12/30/21
7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.	February 10, 2022 at 12:00 PM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: Section 341 Meeting will be conducted by telephone. Please consult the docket or contact the trustee appointed to the case for access or call-in information.
8. Presumption of abuse If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.	The presumption of abuse does not arise.	
9. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: <ul style="list-style-type: none">• if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or• if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6). You must file a motion: <ul style="list-style-type: none">• if you assert that the discharge should be denied under § 727(a)(8) or (9). Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.	
		Filing deadline: 4/11/22 Filing deadline: 30 days after the conclusion of the meeting of creditors
10. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.	
11. Creditors with a foreign address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
12. Exempt property	The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at https://pacer.uscourts.gov . If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.	

EXHIBIT B

Certificate of Notice Page 1 of 4

United States Bankruptcy Court

Eastern District of Pennsylvania

In re:
Greg Edward Donovan
Debtor

Case No. 21-13406-mdc
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0313-2
Date Rcvd: Dec 30, 2021

User: admin
Form ID: 309A

Page 1 of 2
Total Noticed: 29

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 01, 2022:

Recip ID	Recipient Name and Address
db	+ Greg Edward Donovan, 1421 Ardleigh Circle, West Chester, PA 19380-6240
14658436	Centric Bank, P.O. Box 62090, Harrisburg, PA 17106-2090
14658440	Discover, P.O. Box 70176, Philadelphia, PA 19176-0176
14658441	+ Inna Donovan, 1421 Ardleigh Circle, West Chester, PA 19380-6240
14658442	Lifestance Health, P.O. Box 675304, Detroit, MI 48267-5304
14658444	Nemours Childrens Health, P.O. Box 530253, Atlanta, GA 30353-0253
14658447	PNC Bank, P.O. Box 71335, Philadelphia, PA 19176-1335
14658445	Penn Medicine, P.O. Box 824406, Philadelphia, PA 19182-4406
14658449	+ Scott C. Butler, Esquire, Kaplin Stewart, 910 Harvest Drive, Blue Bell, PA 19422-1962
14658451	Sony Card, P.O. Box 650969, Dallas, TX 75265-0969
14658453	+ Viking IV Associates, L.P., 14 Union Hill Road, Suite 450, Conshohocken, PA 19428-2732
14658454	West Ninth Vintage, Inc., 14 Union Hill Road, Suite 300, Conshohocken, PA 19428-2727

TOTAL: 12

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
aty	Email/Text: stan.luongo@luongobellwoar.com	Dec 30 2021 23:03:00	STANLEY E. LUONGO, JR., Luongo Bellwoar LLP, 126 West Miner Street, West Chester, PA 19382
tr	+ EDI: BCCSHUBERT.COM	Dec 31 2021 04:08:00	CHRISTINE C. SHUBERT, 821 Wesley Avenue, Ocean City, NJ 08226-3622
smg	Email/Text: megan.harper@phila.gov	Dec 30 2021 23:04:00	City of Philadelphia, City of Philadelphia Law Dept., Tax Unit/Bankruptcy Dept, 1515 Arch Street 15th Floor, Philadelphia, PA 19102-1595
smg	EDI: PENNDEPTREV	Dec 31 2021 04:08:00	Pennsylvania Department of Revenue, Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946
smg	Email/Text: RVSVCBICNOTICE1@state.pa.us	Dec 30 2021 23:03:00	Pennsylvania Department of Revenue, Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946
smg	+ Email/Text: usapac.bankruptcynotices@usdoj.gov	Dec 30 2021 23:03:00	U.S. Attorney Office, c/o Virginia Powel, Esq., Room 1250, 615 Chestnut Street, Philadelphia, PA 19106-4404
ust	+ Email/Text: ustpreion03.ph.ecf@usdoj.gov	Dec 30 2021 23:03:00	United States Trustee, Office of United States Trustee, 200 Chestnut Street, Suite 502, Philadelphia, PA 19106-2908
14658432	EDI: AMEREXPR.COM	Dec 31 2021 04:03:00	American Express, P.O. Box 1270, Newark, NJ 07101-1270
14658433	EDI: AMEREXPR.COM	Dec 31 2021 04:03:00	American Express - Business Gold Rewards, P.O. Box 1270, Newark, NJ 07101-1270
14658434	EDI: CAPITALONE.COM	Dec 31 2021 04:03:00	Capital One (Spark Business), P.O. Box 71083, Charlotte, NC 28272-1083

District/off: 0313-2

User: admin

Page 2 of 2

Date Rcvd: Dec 30, 2021

Form ID: 309A

Total Noticed: 29

14658435	+ EDI: CAPITALONE.COM	Dec 31 2021 04:03:00	Capital One Bank, USA, N.A., P.O. Box 31293, Salt Lake City, UT 84131-0293
14658437	EDI: JPMORGANCHASE	Dec 31 2021 04:03:00	Chase (ink.), Cardmember Service, P.O. Box 1423, Charlotte, NC 28201-1423
14658438	EDI: JPMORGANCHASE	Dec 31 2021 04:03:00	Chase - Mileage Plus, Cardmember Service, P.O. Box 1423, Charlotte, NC 28201-1423
14658439	EDI: JPMORGANCHASE	Dec 31 2021 04:03:00	Chase Cardmember Service, P.O. Box 1423, Charlotte, NC 28201-1423
14658443	EDI: JPMORGANCHASE	Dec 31 2021 04:03:00	Marriott Bonvoy, Cardmember Service, P.O. Box 1423, Charlotte, NC 28201-1423
14658446	Email/Text: Bankruptcy.Notices@pnc.com	Dec 30 2021 23:03:00	PNC Bank, Attn: Customer Service Research, B6-YM07-01-7, P.O. Box 1820, Dayton, OH 45401
14658448	Email/Text: Bankruptcy.Notices@pnc.com	Dec 30 2021 23:03:00	PNC Mortgage, P.O. Box 1820, Dayton, OH 45401
14658452	Email/Text: accounts.receivable@uline.com	Dec 30 2021 23:03:00	Uline, P.O. Box 88741, Chicago, IL 60680-1741

TOTAL: 18

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recp ID	Bypass Reason	Name and Address
14658450		Shopify Capital, Inc., www.shopify.com

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 01, 2022

Signature: /s/Joseph Speetjens

Information to identify the case:			
Debtor 1:	Greg Edward Donovan		
	First Name	Middle Name	Last Name
Debtor 2:			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court:	Eastern District of Pennsylvania		
Case number:	21-13406-mdc		
	Social Security number or ITIN:	xxx-xx-8551	
	EIN:	--	
	Social Security number or ITIN:	--	
	EIN:	--	
	Date case filed for chapter:	7 12/29/21	

Official Form 309A (For Individuals or Joint Debtors)

Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

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4. Debtor's attorney Name and address	STANLEY E. LUONGO JR. Luongo Bellwoar LLP 126 West Miner Street West Chester, PA 19382	Contact phone 610-430-6600 Email: stan.luongo@luongobellwoar.com
5. Bankruptcy trustee Name and address	CHRISTINE C. SHUBERT 821 Wesley Avenue Ocean City, NJ 08226	Contact phone (609) 923-7184 Email: christine.shubert@comcast.net

For more information, see page 2 >

Debtor **Greg Edward Donovan**

Case number **21-13406-mdc**

6. Bankruptcy clerk's office	900 Market Street Suite 400 Philadelphia, PA 19107	Hours open: Philadelphia Office -- 8:30 A.M. to 5:00 P.M.; Reading Office -- 8:00 A.M. to 4:30 P.M. Contact phone (215)408-2800 Date: 12/30/21
Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at https://pacer.uscourts.gov .		
7. Meeting of creditors	February 10, 2022 at 12:00 PM	Location: Section 341 Meeting will be conducted by telephone. Please consult the docket or contact the trustee appointed to the case for access or call-in information.
Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.	The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	
8. Presumption of abuse	The presumption of abuse does not arise.	
If the presumption of abuse arises, you may have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.		
9. Deadlines	File by the deadline to object to discharge or to challenge whether certain debts are dischargeable:	Filing deadline: 4/11/22
The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.	You must file a complaint: <ul style="list-style-type: none">• if you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or• if you want to have a debt excepted from discharge under 11 U.S.C § 523(a)(2), (4), or (6). You must file a motion: <ul style="list-style-type: none">• if you assert that the discharge should be denied under § 727(a)(8) or (9).	
	Deadline to object to exemptions: The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.	Filing deadline: 30 days after the conclusion of the meeting of creditors
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EXHIBIT C

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GREG EDWARD DONOVAN

Debtor

CHAPTER 7

No. 21-13406-mdc

ENTRY OF APPEARANCE AND DEMAND FOR SERVICE OF PAPERS

PLEASE TAKE NOTICE that the undersigned appears for Centric Bank in the above-captioned case, and pursuant to Rule 2002 of the Bankruptcy Rules, demands that all notices and papers given or required to be given in this case, be served upon the undersigned at the office address and telephone number set forth below.

BERGER LAW GROUP, PC

Dated: February 22, 2022

By: /s/ Phillip D. Berger, Esq.
PHILLIP D. BERGER, ESQUIRE
919 Conestoga Road, Building 3, Suite 114
Rosemont, PA 19010
(610) 668-0800
PA ID #58942